IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2554 OF 2006

Ramesh Namdeo Gawade and ors. ..Applicants.
Vs.
The State of Maharashtra. ..Respondent.

Mr. Abhaykumar Apte for the Applicants.
Mr.K.V.Saste, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 26/7/2006.

P.C.

1. This is an application for grant of bail. Four applicants are shown as an accused in C.R.No.51/2006 registered by Poud Police Station, Pune for alleged offences under Section 436 and 304(A) read with 34 of the I.P.C. The prosecution case is that the applicant No.2 was removed from the factory. He along with other applicants and one deceased person by name Amol Sathe went there at night time and set fire to the factory by way of revenge. I have perused the dying declaration of Amol Sathe. He talks about the factory catching fire due to blast of boiler. He said to have also made disclosure to his brother. The statement of his brother was recorded and that statement indicates that Amol was talking about the presence of only two of present applicants in the factory. The A.P.P. states that all

the accused are involved in the offence. In my view, there is no material as against the applicant Nos. 1 and 4. The A.P.P. states that charge-sheet will be filed within 15 days. In the circumstances, I am inclined to grant bail to the applicant Nos. 1 and 4 only.

. It is therefore, directed that pending their trial in pursuance of C.R.No.51/2006 registered by Paud Police Station, Pune, the applicant Nos. 1 and 4 i.e. Ramesh Namdeo Gawade and Gopi Balu More may be released on bail in the sum of Rs.15,000/- each with one surety each in them like amount subject to the condition that they should report to the I.O. at Paud Police Station, Pune on every Monday between 11 to 5.p.m. till the charge-sheet is filed.

2. The application in respect of applicant Nos.2 and 3 is rejected at present with liberty to file fresh application in the Sessions Court after the charge sheet is filed. If such an application is made by the applicant Nos. 2 and 3, the same may be decided on its own merits without being influenced by any observations made in this order.

3. Application is disposed off.

(R. S. MOHITE, J.)